

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

BILLY BRANTLEY, et al.)	
)	
Plaintiffs,)	Case No. C-1-01-378
)	
V.)	Judge Susan J. Dlott
)	
)	PLAINTIFFS'
)	MOTION FOR LEAVE TO FILE
CINERGY CORP.)	PLAINTIFFS' CONSOLIDATED
)	MEMORANDUM IN OPPOSITION
)	TO DEFENDANT'S MOTIONS FOR
Defendant.)	SUMMARY JUDGMENT
)	IN <u>EXCESS OF 20 PAGES</u>

Pursuant to Local Rule 7.2 (3) of the United States District Court of the Southern District of Ohio, Plaintiffs respectfully move the Court for leave to file Plaintiffs' Consolidated Memorandum in Opposition to Defendant's Motions for Summary Judgment in excess of twenty (20) pages, with 48 additional pages for a total of 68 pages, and without the summary described in the Local Rule, for good cause shown. This Motion is supported by the attached Memorandum.

Respectfully submitted,

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MEMORANDUM

In an effort to minimize duplicate arguments and other unnecessary duplication, Plaintiffs are filing a Consolidated Memorandum that responds to the four Memoranda Defendant submitted in support of its separate motions for summary judgment as to each Plaintiff.

The total number of pages of Plaintiffs' Consolidated Memoranda is 68, which is comparable to the total of 81 pages in Defendant's four Memoranda filed with this Court.

The summary described in Local Rule 7.2(3) should not be necessary, given that Plaintiffs are simply consolidating what would have been four separate memoranda of 20 pages or less each. The table of contents in the Consolidated Memoranda should suffice.

Thus, for good cause shown, Plaintiffs respectfully request that this Court grant Plaintiffs' Motion.

Respectfully submitted,

s/Barry V. Frederick
Barry V. Frederick (*pro hac vice*)

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to:

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